3.4 WETLANDS AND WATERS OF THE UNITED STATES

This section provides a summary of the existing wetlands and waters of the United States within the project study area. Section 404 of the Clean Water Act of 1977 regulates activities that result in discharge of dredged, fill, or excavated material into "waters of the United States." This generally includes any waterway, intermittent stream, man-made wetland, or reservoir. Projects that include physical modification of a "water of the United States" must generally comply with Section 404 under the jurisdiction of the Corps. The information in this section is based on the *SR-22/West Orange County Connection NES* and the *Reduced Build Alternative NES Addendum* (December 2000), and the *NES Reduced Build (Revised) Alternative Addendum*, (December 2002). For a more detailed analysis, see Table of Contents for their locations.

According to 33 CFR 328.3 (a), by definition, the term waters of the United States means:

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purpose by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as waters of the United States under the definition;

(5) Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;

(6) The territorial seas;

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

(8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

(b) The term wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(c) The term adjacent means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are ``adjacent wetlands.''

(d) The term high tide line means the line of intersection of the land with the water's surface at the maximum height reached by a rising

> tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm. (e) The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. (f) The term tidal waters means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

3.4.1 WATERS OF THE UNITED STATES WITHIN THE STUDY AREA

The SR-22/West Orange County Connection (SR-22/WOCC) corridor includes overcrossings of, or is adjacent to, a number of drainages, which are waters of the United States (Figure 3.4-1). These waters include the Los Alamitos Channel, Montecito Channel, Santa Ana River and Santiago Creek, as well as several drainage channels that are concrete-lined with no biological habitat.

Rock- or concrete-lined banks and a sand bottom with sparse weedy vegetation characterize the Santa Ana River at the existing SR-22 crossing. On-going drainage improvements, which include regular channel grading, limit the extent of vegetation that occurs in this area.

At the SR-22 overcrossing at Santiago Creek, portions of creek embankments are concrete-lined, although most of the embankments in this area are rock. Vegetation includes sycamore, eucalyptus, giant reed, fan palm, fountain grass, willows, horseweed, and myoporum *(Myoporum laetum).* Several of these are riparian species, comprising a low-quality wetland habitat. Large native existing trees, including coast live oak, are found within the project survey area and could be impacted due to the ramp relocation activities at Santiago Creek. The exit area of a small culvert within Santiago Creek contains approximately 0.003 ha (300 square feet) of emergent vegetation that could be impacted during ramp relocation activities. This drainage channel, likely excavated on upland, is exempt from Section 404 regulation, but still is subject to Section 1600 jurisdiction.

3.4.2 WETLANDS WITHIN THE STUDY AREA

A. LOS ALAMITOS CHANNEL

The Los Alamitos Channel and floodplain parallel I-605 and the San Gabriel River. Water was present in the main channel over its entire length during the wetlands survey for this project. The main channel and branches support low-growing and emergent, herbaceous wetland vegetation, while the floodplain away from the main channel supports a patchy, disturbed vegetation community of forbs and grasses on a hard-packed clay surface. Jurisdictional wetlands within the survey area at the Los Alamitos Channel covered 0.615 hectare (1.52 acres). The Los Alamitos Channel was included within the study area surveys; however, it is not anticipated to be impacted by project activities.

B. SANTIAGO CREEK

Santiago Creek travels southwesterly and intersects SR-55 and SR-22 in the project area. A total of 0.014 hectare (0.035 acre) along Santiago Creek, outside the existing SR-22 right-of-way, met the Corps definition of jurisdictional wetlands. Santiago Creek in the vicinity of the SR-55 crossing was not identified as a jurisdictional wetland. At the SR-22 crossing of Santiago Creek, the conditions include vegetation consisting primarily of exotic species. A concrete parking lot covers the creekbed under and upstream of Glassell Street near SR-22. The impact area proposed as part of the (Enhanced) Reduced Build Alternative at Santiago Creek is not anticipated to impact the jurisdictional wetland areas.

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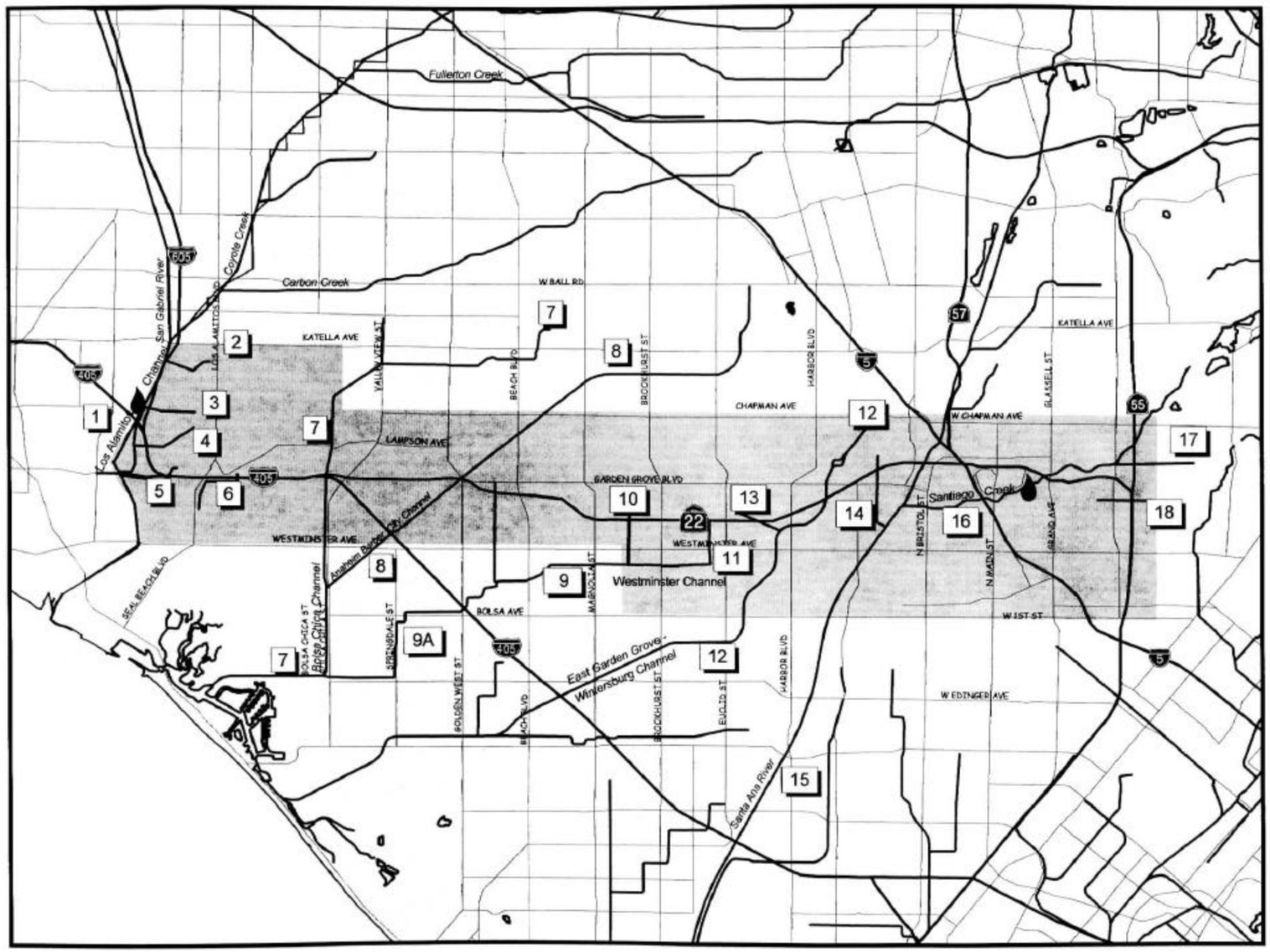

SR-22/West Orange County Connection Project

Wetlands and Waters of the United States

LEGEND

- Freeway
- Secondary Road
- Rivers/Channels/ Waters of the U.S.
- Study Area

Source: ESRI 1998.

- Wetlands

1 - Los Alamitos Channel
2 - Katella Storm Channel
3 - Kempton Storm Channel
4 - Montecito Storm Channel
5 - Bixby Storm Channel
6 - Federal Storm Channel
7 - Bolsa Chica Channel
8 - Anaheim-Barber City Channel
9 - Westminster Channel
10 - Bolsa Grande Storm Channel
11 - Taft Storm Drain
12 - East Garden Grove-Wintersburg Channel
13 - Newhope Channel
14 - Lewis Storm Channel
15 - Santa Ana River
16 - Santiago Creek
17 - La Veta Storm Channel
18 - El Modena Storm Channel

1 0 1 2 Miles
1 0 1 2 Kilometers

Figure 3.4-1